

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 18-17**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

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| 1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input checked="" type="checkbox"/> QC <input type="checkbox"/> Other: Hearings | | 5. DATE OF REQUEST: 02/09/2018 | NEED RESPONSE BY: 02/28/2018 |
| 2. REQUESTOR NAME: | | 6. COUNTY/ORGANIZATION: Stanislaus County | |
| 3. PHONE NO.: EMAIL: | | 7. SUBJECT: CHILD SUPPORT INCOME | |
| 4. REGULATION CITE(S): I-73-04 | | 8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). I-73-04 MPP 63-502.122 | |
| 9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY): See second page. | | | |

10. REQUESTOR'S PROPOSED ANSWER:

Yes the income is exempt as it was child support received for a CW recipient.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

In the case at hand, the \$200 child care payment shall not be treated as countable income for the custodial parent. A stipulation that the child support payment be turned over to the district attorney is not needed as the non-custodial parent has an established agreement for direct payment of child support to the CalWORKs household. The child support agreement should be referenced in the case file to ensure proper application of this policy. If no agreement exists, between the custodial and non-custodial parent, income received from the non-custodial parent will not be exempted as child support, and will be counted as unearned income.

FOR CDSS USE

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| DATE RECEIVED: Revised CF 24 received 2/14/2018 | DATE RESPONDED TO COUNTY/ALJ: 2/20/2018 RN |
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CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#18-17**

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| 1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other: 08/18/2017 | | 5. DATE OF REQUEST: 08/18/2017 | NEED RESPONSE BY: 08/18/2017 |
| 2. REQUESTOR NAME: | | 6. COUNTY/ORGANIZATION: 08/18/2017 | |
| 3. PHONE NO.: | EMAIL: | 7. SUBJECT: 08/18/2017 | |
| 4. REGULATION CITE(S): | | 8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). | |

MPP 63-502.122 states that "Income shall not include.....Child support payments received by AFDC recipients, directly from a nonhousehold member, which must be transferred to the District Attorney's office or other county agency administering Title IV-D (Child Support Requirements) of the Social Security Act, to maintain AFDC eligibility." ACIN I-73-04, states that child support payments received by a CW HH directly from a nonhousehold member and which must be turned over to the District Attorney are exempt as income regardless of whether the payments are actually turned over to the district attorney. CalWORKs rules require that Customers cooperate with Department of Child Support Services.

A CalWORKS and CalFresh customer received \$200 direct child support from the absent parent in the review month. DCSS (Department of Child Support Services) has a zero dollar child support order for the review month. The non custodial parent has an arrangement on the amount of child support that will be paid to the custodial parent. The custodial parent does not turn the money over to DCSS.

1. Is the \$200 countable income?
2. For income to be excluded does there have to be the requirement for it to be "transferred" over to DCSS in that month?

Stanislaus County is receiving a QC error for exempting direct child support income for a CW recipient. based on ACIN I-73-04.-IV is also programmed to exempt this income.